

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARMEN JOHN PERRI,
Plaintiff,
v.
425 QUEEN ANNE, LLC,
Defendant.

CASE NO. C19-0137JLR

ORDER TO CAUSE WHY
PLAINTIFF SHOULD NOT BE
SANCTIONED FOR FAILURE
TO TIMELY COMPLY WITH
THE COURT'S ORDER

On April 16, 2019, the court issued an order to show cause, which required a response by April 23, 2019. (OSC (Dkt. # 13).) Plaintiff Carmen John Perri failed to timely respond to the court's order. (*See generally* Dkt.) A court may impose sanctions based on a party's failure to prosecute an action, obey a court order, or comply with the court's local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (imposing sanctions for failure to comply with an order); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (imposing sanctions for failure to comply with a court order). Accordingly, the court ORDERS Plaintiff to show cause within seven days of the

date of this order why the court should not impose sanctions—including the dismissal of this action—for his failure to timely comply with the court’s April 16, 2019, order. *See, e.g.*, Fed. R. Civ. P. 41(b) (discussing the possibility of dismissal with prejudice for failure to comply with a court order).

To avoid sanctions, Plaintiff must (1) explain in detail why he failed to comply with the court’s April 16, 2019, order, and (2) demonstrate “just cause” for his noncompliance. *See Local Rules W.D. Wash. LCR 11(c)* (“An attorney or party who without just cause fails to comply with any . . . order of the court . . . may be subject to such . . . sanctions as the court may deem appropriate.”). The court warns that, if Plaintiff fails to timely respond to this order to show cause, the court may dismiss this action with prejudice. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing factors the court must consider in determining whether to dismiss a case for failure to prosecute or comply with a court order).

Dated this 24th day of April, 2019.



JAMES L. ROBART
United States District Judge